



Security Council

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Letter dated 20 June 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Kiribati submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you could arrange for this letter and its annex to be circulated as a document of the Security Council.

(Signed) **Jeremy Greenstock**
Chairman
Counter-Terrorism Committee



Annex

Letter dated 20 June 2002 from the Secretary for Foreign Affairs of the Republic of Kiribati addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

I have the honour to forward the report from Kiribati on progress in the implementation of Security Council resolution 1373 (2001) (see enclosure).

It is with deepest regret that the report is submitted late, but this is inevitable given the acute shortage of staff within this Ministry and in other government ministries with which we worked in the preparation of the report.

(Signed) Reteta Rimon-Nikuata
Permanent Secretary for Foreign Affairs

Enclosure**Implementation of Security Council resolution 1373 (2001) by the Government of Kiribati****Introduction**

As a peace-loving country, Kiribati condemns all forms of terrorism and joins the global community in condemning the terrorist attacks on the United States, on September 11, 2001.

In light of the relative peace and stability of our society over the years, there has never been any legislation in Kiribati to combat terrorism nor to impose penalties on persons committing terrorist crimes.

The Criminal Law in Kiribati is codified in the Penal Code. There is nowhere in the Penal Code that defines terrorism or provides for penalties for such activities.

However, following September 11 attacks, and as a member of the United Nations, Kiribati is fully supportive of UNSC Resolution 1373, (2001), and is committed to taking the necessary steps to comply with the said resolution and other relevant resolutions pertaining to the suppression and prevention of all forms of terrorism, in accordance with our responsibilities under the Charter of the United Nations.

Since there is no Law in the area relating to terrorism, the Kiribati Government considers it important that relevant legislations are put in place as early as possible, to deal with terrorist related crimes when they do occur in Kiribati. However, given the limited resources and technical capability in this area, Government regrets its slow progress in implementing Resolution 1373, and will continue to need the assistance and support of Governments and agencies in meeting all its obligations outlined in the Resolution.

Progress made thus far

In spite of the absence of a terrorism Law or appropriate legislations in Kiribati at this stage, Government co-operates with foreign governments and administrations in providing names and information relating to individuals and groups associated with terrorism and criminal activities as required under FATF recommendation. The Government of Kiribati also works in close co-operation with local authorities and commercial entities, particularly the Bank of Kiribati, in providing them names and details of terrorists and terrorist groups, as received from the US Government and other external agencies, bodies, and monitors not only the possible entry into Kiribati of such persons or groups, but also the existence of criminal activities, if any. The Kiribati Government assures that it will report promptly to the concerned governments and the UN, any terrorist-related activity that may be detected in the country.

Kiribati is not yet party to all the relevant international conventions and protocols relating to terrorism, not because it does not support the noble objectives of these conventions and protocols, but simply, because of resource and technical capacity constraints. Government is, however, currently working on this, and hopes to accomplish the necessary procedures in order to become a party to some, if not, all of these important conventions, in the very near future.

Banking Legislation

There is no banking legislation that regulates and monitors the operation of the banking sector, which, at present, comprises a single commercial bank. The regulatory role, is executed by the Ministry of Finance and Economic Planning, through an operational agreement implemented by the Bank.

The Bank of Kiribati is the only commercial bank in the country, operating on a joint venture basis between Australia, New Zealand Banking Group Ltd (ANZ) and the Kiribati Government. It complies with the obligations under the USA Patriot Act, vis-à-vis prohibition on correspondent accounts of foreign shell banks, and the new requirements for anti-money laundering programmes, namely, know your customer, and detect and report "suspicious activity". As regards detecting suspicious activities, the Bank of Kiribati pays particular attention to complex, large or unusual transactions and these are reviewed as and when they are detected.

The Bank of Kiribati reports suspicious transactions to a designated officer for appropriate action such as further monitoring or investigation of the account, to determine the legitimacy of the account, and if not legitimate, to decide whether the account should be closed. The Bank of Kiribati has designated a staff to monitor the compliance with this policy, and to be responsible for ensuring adequate, independent testing and record retention.

All staff of the Bank of Kiribati undergo relevant training to enable them to have a thorough understanding of money laundering and how it could be prevented through application of relevant laws, policies and Bank of Kiribati/ANZ procedures.

The following are other means of combating terrorism in Kiribati in compliance with requirements under the UNSCR 1373.

i) Combined Law Agency Group (CLAG)

This agency was established in 2001, with the objective of facilitating the sharing of information and resources between government agencies in the region, to combat breaches of legislation in Kiribati. It does this by providing for timely exchange of information, facilitating opportunities for the sharing of resources, enhancing communication and coordination of efforts, developing joint targeting strategies, and profiling suspects.

ii) The Special Branch of the Kiribati Police Force

The Special Branch of the Police Force collects information, which could be useful in detecting people with criminal connections. Those suspicious cases are reported to higher authorities for possible counter actions if necessary. This Special Branch also boards ships and aircraft on first arrival and checks if there are crew and passengers on board, who may be wanted as criminals and terrorists by other countries.

The names of wanted criminals and members of known terrorist groups are provided by authorities of foreign countries and the Kiribati Police assists in finding out if these people are in the country, and if so, concerned governments abroad are notified accordingly. The Kiribati Immigration Office of the Ministry of Foreign Affairs also keeps a record of such names with the objective of refusing them entry visas to Kiribati, in the event such persons may wish to travel to or through Kiribati.

iii) Extradition

There is an Extradition Ordinance in Kiribati, but it is a requirement of this ordinance to have an agreement duly signed between Kiribati and foreign countries in order for extradition to be effected. Currently, Kiribati cannot extradite terrorists or criminals, as it does not have at present, an agreement with foreign countries to allow extradition to be carried out interchangeably between them. This, however, could be put in place, if pursued with governments.

iv) Other Avenues

Terrorism is also a major topic on the agenda of a number of meetings, which Kiribati participates in. Some of these include, the Pacific Police Commissioners Conference, Oceania Customs Organisation, Pacific Immigration Directors Meeting and Regional Heads of Prisons Meeting. These fora provide an important avenue for sharing of information, which could be useful in combating terrorism.

v) Financial Intelligence Units

There is no regulatory body such as the FIU in Kiribati, at present. Since the objective of this body is to curb financial crimes and deter money laundering through sharing of financial information in the region, its establishment in Kiribati is likely to receive favourable consideration. As such, IMF technical assistance to provide the necessary assistance in establishing an FIU in Kiribati is supported.

Kiribati recognises the importance of complying with all requirements stipulated under UN Resolution 1373, to combat terrorism, and regrets the slow progress it is making in this regard, given severe constraints in needed resources and technical capacity at hand.

We are indeed appreciative and supportive of the initiative by the IMF and other bilateral and multilateral partners to provide Technical Assistance in the drafting of anti-money

laundering, terrorism combating and banking regulation legislations, and in the establishment of a domestic Financial Intelligence Unit.

Conclusion

Kiribati understands the great importance of UNSC 1373 for the promotion of global security against all forms of terrorism, and recognises that a lot more needs to be done in this regard.

The Kiribati Government is committed to take the necessary measures towards implementing all its obligations under UNSC Resolution 1373, and given our human resource and technical capacity limitations, we shall welcome the kind support and assistance of the international community in achieving this, in particular, in the drafting of relevant laws and legislations that will address all aspects of terrorism.



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Letter dated 19 June 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Zambia submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you could arrange for this letter and its annex to be circulated as a document of the Security Council.

(Signed) **Jeremy Greenstock**
Chairman
Counter-Terrorism Committee



Annex

**Letter dated 19 June 2002 from the Permanent Representative of
Zambia to the United Nations addressed to the Chairman of the
Security Council Committee established pursuant to resolution
1373 (2001) concerning counter-terrorism**

I wish to forward herewith the first report by the Government of the Republic of Zambia which is being submitted pursuant to paragraph 6 of resolution 1373 (2001) of 28 September 2001 (see enclosure).

(Signed) Mwelwa C. Musambachime
Ambassador
Permanent Representative

Enclosure

The Government of the Republic of Zambia has in place the following legal provisions, under the Penal Code of the laws of Zambia, that can be used to fight against terrorism in accordance with Security Council resolution 1373 (2001) of 28 September 2001.

The Penal Code Cap. 87 of the laws of Zambia, which can be used to counter terrorism, contains the following criminal offences:

- Murder (Section 200)
- Manslaughter (Section 119)
- Attempt to Murder (Section 215)
- Accessory after the fact (Section 217)
- Written threat to murder (Section 218)
- Conspiracy to murder (Section 219)
- Unlawful acts causing harm (Section 238)
- Dealing with poisonous substances (Section 239)
- Endangering the safety of persons travelling by railway (Section 240)
- Exhibition of false light, mark or buoy to mislead any navigation (Section 241)
- Obstruction of roads or runways (Section 246)
- Attempts at extortion by threats (Section 297)
- Arson (Section 328)
- Attempts to commit arson (Section 329)
- Attempts to destroy property by explosives (Section 336)
- Threats to burn or destroy (Section 341)
- False declaration for passport (Section 317)
- Kidnapping from lawful guardianship (Section 255)
- Kidnapping or abducting with intent to confine a person (Section 256)
- Kidnapping or abducting in order to subject a person to grievous harm (Section 257)
- Wrongfully concealing or confining kidnapped or abducted persons (Section 258)
- Trespass on aerodromes (Section 245)
- Obstruction of roads or runways (Section 246)
- Negligent act likely to spread infection (Section 183)

- Fouling water (Section 188)

- Fouling air (Section 189)

In 2001, the Prohibition of Money Laundering Act No. 14 of 2001 was enacted into law. The Act provides for:

- (a) the constitution of the Anti-Money Laundering Authority, which is like a Commission, and the Anti-Money Laundering Investigation Unit;

- (b) the disclosure of information on suspicion of money-laundering activities by supervisory authorities such as the Bank of Zambia and regulated institutions such as commercial banks;

- (c) the forfeiture of property of persons convicted of money-laundering;

- (d) International Cooperation in investigations, prosecution and other legal processes of prohibiting and preventing money-laundering.

The Act is an import anti-terrorist measure because terrorist organizations mostly transfer and move money around the globe through laundering.

Zambia has as one of its laws the Extradition Act Cap. 94 of the laws of Zambia. This law provides that:

“where a country in relation to which this part applies duly requests the surrender of a person who is being proceeded against in that country for an offence or who is wanted by that country for the carrying out of a sentence that person shall, subject to and in accordance with the provisions of this Part and of Part IV, be surrendered to that country”.

A request for the extradition of any person shall be made in writing to the Attorney-General and shall be communicated by:

- (a) a diplomatic agent of a requesting country, accredited to Zambia;

- (b) any other means provided in the relevant extradition provision of a bilateral agreement.

Zambia has a Firearms Act which makes it an offence to possess a firearm without a licence. However, the proliferation of small firearms in the country is rife, due to instability in some areas surrounding Zambia, i.e., Angola and the Great Lakes region.

Zambia's Immigration and Deportation Act is very strong. Any foreigner with known criminal connections is automatically a prohibited immigrant.

Zambia supports all efforts aimed at the eradication of terrorism around the globe. For this reason it has decided to be party to a number of international treaties that support the fight against terrorism. These are:

- (a) The 1991 Montreal Convention on the Marking of Plastic Explosives for the Purpose of Detection;

- (b) The 1971 Montreal Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation;

(c) The 1970 Hague Convention for the Suppression of Unlawful Seizure of Aircraft;

(d) The 1963 Tokyo Convention on Offences and Certain Other Acts Committed on Board Aircraft.

Efforts are being made to ratify all other anti-terrorism conventions.

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**General Assembly
Fifty-sixth session
Agenda item 166
Measures to eliminate international terrorism****Security Council
Fifty-seventh year****Letter dated 21 June 2002 from the Permanent Representative of
Israel to the United Nations addressed to the Secretary-General**

I wish to draw your attention to the latest incidents in the ongoing Palestinian campaign of terrorism against the citizens of Israel.

Shortly after 9:00 p.m. (local time) last night, two Palestinian terrorists, armed with assault rifles and hand grenades, infiltrated the community of Itamar, broke into a private home, and opened fire on the family inside. When security forces arrived, the terrorists engaged them in an intense gunfight that continued for over an hour until the terrorists were subdued. Among the dead were Rachel Shabo and three of her children: Neria, age 16, Zvika, age 12, and Avishai, age 5; two other Shabo children were among the eight Israelis wounded in the attack. Yosef Tuwito, a security guard, was killed when he tried to come to the aid of the Shabo family. The Popular Front for the Liberation of Palestine, a terrorist group headquartered in Damascus, claimed responsibility for the attack.

On Wednesday evening, at approximately 7:00 p.m. (local time), a Palestinian suicide bomber blew himself up in a neighbourhood of northern Jerusalem. It was the third suicide bombing in Israel in as many days, and the second in Jerusalem within 36 hours. After disembarking from a car, a Palestinian terrorist began running towards a bus stop crowded with several dozen people. Israeli policemen were attempting to stop him when he detonated charges packed with nails and other projectiles designed to increase the pain and suffering of the victims. The force of the explosion killed 7 Israelis, several of them teenagers, as well as an infant girl; 43 others were wounded, one of them critically. The Al Aqsa Brigades, an internationally recognized terrorist organization under the authority of Palestinian Authority Chairman Yasser Arafat, claimed responsibility for the bombing in a statement sent to Hizbullah's Al Manar television station in Lebanon.

Among those affected by Wednesday's bombing were three generations of women from the same family. Noa Alon, age 60, was walking with her daughter Penina and two grandchildren — 5-year-old Gal and 18-month-old Sagi — at the time of the explosion. Noa, who was walking ahead of the others, bore the brunt of the explosion and died of her wounds. Gal, whose small body could not withstand



the force, was also killed. Penina, suffering from a head wound and other scratches and bruises, is recovering in a Jerusalem hospital.

The Government of Israel holds the Palestinian Authority fully responsible for these attacks. The Palestinian Authority's financial, organizational and ideological support for terrorism continues unabated while it continues its attempts to obscure such support through disingenuous renunciations of terrorism issued for the benefit of Western audiences. Chairman Arafat's apparent condemnations betray the fact that he has not fundamentally rejected the legitimacy of murdering Israeli civilians, but rather is concerned that such acts "have given the Israeli Government the excuse" to take defensive measures. That Wednesday's bombing was perpetrated by members of Chairman Arafat's own Fatah faction serves to further underscore the insincerity of Chairman Arafat's statements and the depth of official Palestinian involvement in the murder of Israeli civilians.

Israel continues to await any steps by the Palestinian side that might prevent further acts of terrorism, including action to arrest and disarm members of its own forces, as well as those of Hamas, Islamic Jihad and other groups currently planning to carry out attacks against Israeli civilians. No agreement capable of addressing the legitimate needs and aspirations of both sides will be possible so long as terrorism remains the chosen tactic of the Palestinian leadership. Until such time as the Palestinian leadership genuinely renounces terrorism and is prepared to use its authority to fight rather than promote terrorism, Israel will be left with no choice but to act in accordance with its legitimate right to self-defence in order to protect its citizens from the constant threat of Palestinian terrorism.

I submit this letter in follow-up to my numerous letters detailing the campaign of Palestinian terrorism that began in September 2000.

I should be grateful if you would arrange to have the text of the present letter circulated as a document of the fifty-sixth session of the General Assembly, under agenda item 166, and of the Security Council.

(Signed) Yehuda Lancry
Permanent Representative